



# Colorado Springs Police Department

## General Order

### 1016 Body Worn Camera (BWC)

#### Section 1000 – Patrol Functions

Effective Date: 3/4/2021

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## **.01 Purpose**

The purpose of this directive is to provide officers with instructions on when and how to use body-worn cameras (BWC) so that officers may reliably record their contacts with the public in accordance with the law.

## **.02 Cross Reference**

[GO 701 First Amendment Rights](#)

[GO 703 Public Surveillance Cameras](#)

[GO 750 Citizen Contacts](#)

[GO 755 Field Interviews](#)

[GO 831 Collection of Physical Evidence](#)

[GO 833 Evidence Submissions & Processing](#)

[GO 1301 Treatment of the Public](#)

[GO 1650 Employee Conduct \(Sworn and Civilian\)](#)

[GO 1655 Police Officer Conduct](#)

## **.03 Discussion**

The deployment of BWC's will facilitate the documentation of police contacts and interaction within the community. The process may provide a record of audio and/or video digital representation of actual events as they occur. This data may be used to corroborate the circumstances of citizen contacts, crimes and public occurrences, which demonstrate the facts of various situations.

## **.04 Policy**

It is the policy of Colorado Springs Police Department (CSPD) that officers will activate the BWC when such use is appropriate to the proper performance of his or her official duties,

where the recordings are consistent with this policy and law. All audio, images, and media associated with the BWC are the property of CSPD and will not be copied, released, or disseminated in any form or manner outside the parameters of this policy without the express consent of the chief of police or designee.

This policy does not govern the use of surreptitious recording devices used in undercover operations.

The BWC program, as well as this policy, will be reviewed at least annually to ensure that it meets departmental and public expectations.

This directive is not intended to describe every possible situation where the system may be used but to act as a guideline on when the BWC should be used.

## **.05 Definitions**

*BWC Administrator:* Person assigned to act as the coordinator for the body worn camera (BWC) program.

*Body Worn Camera (BWC):* Camera system designed to be worn by a police officer to capture digital multimedia evidence (DME).

*Digital Multimedia Evidence (DME):* All digital recordings, to include but not limited to audio, video, photographs, and their associated metadata.

*METADATA:* Includes any digital identifiers that are captured as part of the actual recording such as date/time, GPS coordinates, labeling, etc.

## **.10 Administrative Objectives**

The CSPD has adopted the use of the BWCs to accomplish several objectives. The primary objectives are as follows:

- BWC's allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
- Audio and video recordings also enhance CSPD's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.

- The BWC may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

## **.12 Operational Requirements**

All officers that have been identified to be equipped with BWC equipment will be individually assigned such equipment. The individual officer is responsible for the care and upkeep of their individually assigned equipment to include charging of the device.

Each officer will test the BWC system to ascertain proper working order in accordance with the manufacturer's specifications and department training at the start of each shift.

Testing includes:

- Determining the camera's video and audio components are functional
- Verifying the power source is adequate
- Ensuring the BWC is properly placed and affixed for optimal use. CSPD's system either integrates the BWC into the center of the uniform utilizing a plastic snap-in "holster" or securely affixes to the load bearing vest utilizing a "pouch" or vest pocket. Officers should ensure that the lens is clear of any obstructions.

If at any time the BWC is found to be not functioning properly, it is to be removed from service and the appropriate supervisor or BWC administrator will be notified as soon as reasonably possible.

All reports and/or supplements will be documented by marking a checkbox as either "yes" or "no" as to whether or not BWC exists from that officer for that incident. This applies to officers completing the face sheet and to officers completing supplements to the case report. If the officer does not have BWC footage for an incident they must check the "no" box and state the reason in their narrative as to why no BWC footage exists.

If a traffic citation or summons in lieu of a case report is issued, the officer will notate the use of the BWC on the citation copy and put the call screen number in the narrative section of the summons that will be sent to the courts indicating that the incident was recorded.

## **.14 Uploading, Retention, and Release**

All images and sounds recorded by the BWC are the exclusive property of the CSPD. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited. Any request for BWC media made from outside the CSPD will comply with both the records disclosure and records management policies of the department referenced above, as well as the Colorado Open

Records Act (CORA) and the Colorado Criminal Justice Records Act (CCJRA). Criminal justice system partners such as the District Attorney's Office and City Attorney's Office will have limited access to the BWC system to download and view video evidence that pertains to specific cases.

Uploading of a BWC will be done in accordance with manufacturer specifications and departmental training. The product used by CSPD employs a secure cloud based storage platform. The system also has an internal audit system that shows when BWC video has been viewed, shared, or redacted. This audit trail may aid in determining the chain-of-custody.

All files will be securely uploaded periodically, and no later than the end of each shift. The product used by CSPD requires no action by the officer for this to occur.

All access is audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.

Files should be securely stored in accordance with state records retention laws and will be disposed of as soon as practical once appropriate authorization is given and the file is no longer of use in an investigation or prosecution.

- BWC recordings of evidentiary value or where a case report number is generated will be stored in accordance with the [GO 833 Evidence Submission and Processing](#).
- Traffic stops involving a citizen, vehicle, bicycle, pedestrian, etc. where the officer issues a citation into municipal court or county court for traffic related offenses will be retained for 5 years.
- Video associated with a *use of force* incident will be held for 5 years.
- Officers that suspect a recorded incident may result in a citizen complaint or when extenuating circumstances are present (e.g. public scrutiny, potential for civil action, etc.) that require retention for a longer period of time than ordinarily necessary, may classify the video as "Citizen Issue." These videos will be retained for a period of 1 year unless extended by Internal Affairs.
- When a supervisor intakes a complaint from a citizen or initiates one due to an internal allegation of misconduct, the initiating supervisor will check BWC for relevant video. If BWC video is found, the initiating supervisor will add a classification of "Citizen Issue" to every video. This includes cases where the initiating supervisor is able to close the complaint as unfounded or exonerated by BWC at the time of the intake. The "Citizen Issue" classification will extend the minimum retention time to 12 months and will not restrict the viewing of the video by others. Once Internal Affairs receives the complaint, they will then mark the BWC video(s) as "Complaint", which also restricts the viewing of it. If at the conclusion of the case there is a sustained policy violation, Internal Affairs will add the classification of "Sustained" to ensure compliance with retention requirements.

- All other recordings that are non-criminal in nature will be stored for a period of sixty (60) days.
- Accidental recordings will be stored for 48 hours.
- Traffic stops/contacts where no summons is issued will be held for 1 year.

## **.20 When and How to Use the BWC**

Officers will activate their BWC to record all contacts with individuals in the performance of official duties (calls for service, cover calls and officer-initiated activity). This does not include routine administrative functions like court related activities, meetings with prosecutors, discussions with supervisors or other officers, or contact with cooperative individuals in connection with community engagement activities (e.g., Neighborhood Watch meetings, Minority Relations Advisory Committee (MRAC) events, etc.). However, should this type of community contact become adversarial, or enforcement action can reasonably be anticipated, officers will activate their BWC as soon as practical.

Based on the circumstances of the call for service, officers should consider activating the BWC immediately upon being dispatched to a call for service in order to minimize the chance of an accidental non-activation. Even though the device that CSPD utilizes has several options for automatic camera activation it is ultimately the responsibility of the individual officer to ensure that the camera is activated.

Officers are encouraged, but not required, to advise citizens that they are being recorded. In deciding whether or not to advise citizens, officers should consider whether advisement is likely to better serve the handling of the incident. If a citizen asks an officer whether an event is being recorded, the officer is to answer truthfully, unless doing so would place the officer or another in jeopardy or potentially compromise an investigation. If a request has been made for the BWC to be turned off by a victim or witness being contacted, the officer will take into account the overall circumstances before making a decision to honor the request or not.

Some considerations include, but are not limited to:

- Evidentiary potential;
- Likelihood of law enforcement action;
- The sensitive nature of the situation.

The BWC may also be turned off or muted for the following reasons:

- To avoid recording personal information that is not case related;
- Work on an unrelated assignment;

- When there is a long break in the incident/contact that is not related to the initial incident;
- In administrative, tactical, and management discussions. This may include discussions between officers regarding the proper course of action to be taken in an investigation. Officers should verbalize the reason for turning off or muting the camera prior to doing so when practical.

Otherwise, the BWC will remain activated until the event is completed and will not be turned off until the initial incident that caused the activation has concluded in order to ensure the integrity of the recording, unless the contact moves into an area restricted by this policy or when the gathering of evidence or exchange of communication related to police enforcement activities are concluded. Officers will verbally state why they are choosing to deactivate the digital recording device prior to doing so.

Additionally, if an officer fails to activate the BWC within the guidelines dictated by this policy, fails to record the entire contact, interrupts the recording, or fails to record due to an equipment malfunction the officer will document in the officer's incident/criminal report why a recording was not made, was interrupted, or was terminated.

If an officer purposely fails to activate, interrupts or discontinues recording with the BWC without proper justification, the officer will be subject to disciplinary action.

It is not the intention of this program that the officer's entire shift from start to finish be captured on video. However, officers should attempt to record contacts with individuals in their entirety.

## **.22 Use in Juvenile School Locations**

Officers will not activate a BWC while on the grounds of any public, private, charter, or parochial elementary, middle, high or secondary school except in the following situations:

- When responding to an imminent threat to life or health;
- Contacts with any person where law enforcement action will potentially be taken;
- Pursuits by vehicle and on foot;
- Execution of consent searches;
- Contacts with persons behaving in an erratic manner;
- Ongoing investigations that may lead to an arrest or search;
- Any other encounter with any person that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

## **.24 Restrictions on Using the BWC**

BWCs will be used only in conjunction with official law enforcement duties and officers will not use personally owned digital recording devices while on duty.

The BWC will not be used to record the following situations unless in exigent or emergency circumstances (e.g., violent encounter, an arrest of an uncooperative subject):

- Communications with other police personnel without their knowledge, without the permission of the Chief of Police or authorized designee;
- Encounters with undercover officers or confidential informants;
- When on break or otherwise engaged in personal activities; or
- In a location where individuals have a clear expectation of privacy; such as, a restroom or locker room.
- Recordings in patient care areas of medical facilities unless the recording is for official police business such as a criminal investigation, dying declaration, Horizontal Gaze Nystagmus (HGN) on injured drivers, a specific call for police service, or when dealing with an uncooperative subject(s).

Non-law enforcement personnel will not be allowed to review the recordings at the scene.

The BWC is equipped with the ability to remotely watch the live feed of an officer's recording. This function will not be used without the officer's knowledge unless exigent circumstances exist (e.g., the "officer down" function is active, or the officer is not responding after the Communications Center has made multiple attempts to contact them via police radio). Anyone in violation of this section of this policy may be subject to disciplinary action.

## **.26 Tactical Operations - Exemptions**

### **Supervisory Discretion**

Because of the unique nature and variety of tactical operations, the Tactical Operations Section Lieutenant or Commander can authorize exemptions to BWC use in specific instances. These exemptions must be based on a reasonable belief that BWC footage and/or audio could compromise safety or compromise an ongoing investigation.

## **.30 Procedures for BWC Use**

BWC equipment is intended for use by officers that have routine contact with the public in their assignment. BWC equipment is issued primarily to uniformed personnel as authorized by this agency. Officers who are assigned BWC equipment must use the equipment in accordance with this policy, unless otherwise authorized by supervisory personnel.

Police personnel will use only BWC's issued by this department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the CSPD and will not be duplicated or released without the expressed consent of the Chief of Police or designee.

Police personnel who are assigned BWCs must complete an agency approved and/or provided training program to ensure proper use and operation. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.

BWC equipment is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning. Equipment malfunctions will immediately be brought to the attention of the officer's supervisor and/or the BWC Unit so that a replacement unit may be procured.

Officers will inspect and test the BWC prior to each shift in order to verify proper functioning and will notify their supervisor and/or the BWC Unit of any problems.

Officers will not edit, alter, erase, duplicate, copy, make a secondary recording of, share, or otherwise distribute in any manner BWC recordings without prior authorization and approval of the Chief of Police or authorized designee.

At the conclusion of a call for service, each officer will ensure that their BWC recording includes at a minimum the following information: the date, call screen number, case number and summons number(s), if applicable, as well as the BWC identifier, and the assigned officer. Some of this information may be automatically attached to the recording and some will require manual input. In addition, the officer will have to select the most appropriate classification for the video.

Classifications determine retention length and routing to the appropriate investigator or court and may include, but are not limited to:

- Major Felony (e.g., homicide, death of undetermined origin, kidnapping, sexual assault)
- Felony Arrest or Suspect Information
- Felony - No Suspect Information
- Misdemeanor City Arrest or Suspect Information
- Misdemeanor County Arrest or Suspect Information
- Misdemeanor- No Suspect Information



- Traffic - City Summons Issued
- Traffic - County Summons Issued
- Traffic - No summons Issued
- Non-Criminal Incident
- Use of Force Situation
- Citizen Issue (officer suspects a citizen complaint may be made or the interaction with a citizen is highly adversarial)
- Training
- Accidental Recording (an inadvertent activation)

Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.

Requests for notating that an evidentiary recording contains events of a personal or restricted nature must be submitted to the BWC Unit. All requests and final decisions will be kept on file for the period outlined for records retention for the identified incident.

## **.40 Authorized Viewing of BWC Recordings**

Officers are authorized, but not required, to review their own BWC recording when preparing official written documentation of a specific event. Officers may view the video of another officer that was on the same call for service. The viewing may be utilized as a tool when completing written reports to ensure the accuracy and consistency of events. Officers should view their BWC recordings prior to court appearances in accordance with the exceptions noted below. Employees are authorized to view BWC recordings as part of an assigned investigation. Employees are granted access to department records systems solely to aid them in carrying out their assigned duties.

### **Exceptions**

#### *Complaint Investigations*

A subject officer or witness officer will typically individually view the applicable BWC footage prior to being interviewed in connection with a complaint investigation. In some cases, the investigating supervisor may elect to jointly view the BWC footage with the subject or witness officer. However, the serious or complex nature of some complaint investigations may require a deviation from this general policy. In those cases, a subject or witness officer may be required to answer questions prior to viewing (or in some case reviewing) the applicable BWC footage.

Deviation from this policy requires authorization from the commander of Professional Standards, or a deputy chief if the commander of Professional Standards is unavailable. Only members of the Internal Affairs Unit may require a subject or witness officer to answer questions related to a complaint prior to the officer being allowed to view the applicable BWC footage. If the viewing of BWC footage is subsequently authorized, the interview will continue in order to clarify any information that may have developed as a result of viewing the BWC footage.

### *Criminal Investigations*

Officers who are involved in the use or attempted use of deadly force, or any police action in which a person dies or sustains serious bodily injury, as defined in CRS § 18-1-901 (2)(p), are prohibited from viewing the applicable BWC footage without the authorization of the Investigations Division Commander or designee. Under these circumstances, involved officers and witness officers (as determined by the commander of the Investigations Division or designee) will be offered the opportunity for an interview and will not submit a written report regarding the incident unless authorized to do so by the Investigations Division Commander or designee.

In these situations, the involved officers and witness officers may be asked to answer questions prior to viewing any applicable BWC footage. After the initial interview is conducted, involved officers and witness officers may be allowed to view the BWC footage if authorized by the Investigations Division Commander, or designee. If the viewing of BWC footage is subsequently authorized, the involved officers and witness officers will be offered the opportunity to continue the interview in order to clarify any information that may have developed as a result of viewing the BWC footage.

If the involved officers decline to be interviewed prior to viewing the applicable BWC footage, the Investigations Division Commander (or designee) will determine how the investigation will proceed.

## **.50 Supervisory Responsibilities**

Supervisory personnel will ensure that officers equipped with BWC devices utilize them in accordance with this policy.

Once per quarter supervisors will review at least one and not more than three BWC videos of each of their direct reports. This will be done with the officer present. In the 2<sup>nd</sup> and 4<sup>th</sup> quarter of the year, this should be done as part of the supervisor/employee evaluation discussion. The purpose of this review is to ensure that the BWC system is operating correctly and that activation of the BWC is occurring in accordance with this policy.

Supervisors are required to review relevant BWC videos for the following reasons:

- Complaint Resolution
- Vehicle Pursuit Review
- Officer Involved Traffic Accident Review
- Pointing of a Firearm
- EIP Review
- Use of Force/Blue Team Review

BWC videos may be used by supervisors to assess job performance and/or identify training issues. If a specific BWC video is identified as valuable for training purposes, it may be used following notification of the officer(s) involved. The video should be evaluated for redaction prior to presentation.

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Internal Affairs review of BWC video is limited to videos associated with a specific personnel investigation and/or citizen complaint.

If a supervisor wants to review a video for any other reason not specifically addressed in this section, the supervisor must obtain next level approval before reviewing the video.

## **.55 Employee Separation**

The BWC and its components are the property of CSPD. At the time of an employee's separation from the department, the employee will turn in the BWC and its components to the employee's division.

The departing employee will contact their divisional Tech Team officer or the BWC Unit to arrange a time and date to turn in their assigned BWC and its components.

If the employee is assigned to a non-patrol division, the employee will contact the Tech Team sergeant or BWC Unit to arrange to turn the items in.